IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVISION APPLICATION NO. 16 OF 2005

SHRI SHIVA VITHAL GAONKAR AND 20 ORS., ...Petitioners

Versus

SHRI ANAND MADEVA GAONKAR AND 46 ORS., ...Respondents

Shri S. D. Padiyar, Advocate for the petitioners.

Coram:- R. M. LODHA, J.

Date:- 21st September, 2005

P.C.

Heard Mr. S. D. Padiyar, the learned Counsel for the petitioners. I perused the impugned order. The trial Court cannot be said to have erred in rejecting the application made by the present petitioners for dismissal of the suit.

I am informed that the trial Court has framed the issues. The learned Counsel for the petitioners, however, submits that the issue regarding maintainability of the suit has not been framed. If that be so, the petitioners must apply for framing of additional issue/s. However, the rejection of the application cannot be faulted.

The civil revision application is dismissed in limine.

R. M. LODHA, J.

ssm.